

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

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DOUGLAS THERIAULT

Plaintiff,

CIVIL ACTION NO.

-VS-

ST. LAWRENCE & ATLANTIC RAILROAD COMPANY.,
Defendant.

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COMPLAINT

COUNT I

1. The plaintiff is a resident of Gorham, New Hampshire and brings this action against the defendant, St. Lawrence & Atlantic Railroad Company, a railroad corporation duly established by law and having a usual place of business in Auburn, Maine for injuries suffered by him while in the employ of the defendant, St. Lawrence & Atlantic Railroad Company. This action is brought by virtue of the provisions of the Federal Employers' Liability Act, 45 U.S.C.A., Section 51, et seq.

2. During all the times herein mentioned, the defendant was a common carrier, engaged in the business of interstate commerce, and, as such, operated a railroad in such business between Lewiston Junction, Maine and Island Pond, Vermont; and, at the time the plaintiff received the injuries complained of, both he and the defendant were engaged in interstate commerce, within the meaning of the said Federal Employers' Liability Act.

3. On or about October 29, 2009, the plaintiff was employed as a trackman by the defendant and was engaged in his duties on railroad tracks in Gorham, New Hampshire which tracks, rails, cranes and all other equipment and appliances appurtenant thereto were

owned and/or operated and/or controlled and/or maintained by the defendant, and as a result of the negligence of the defendant, its agents, servants or employees, the plaintiff was injured.

4. The Plaintiff injured his neck, shoulder, back and arm when he was struck by the boom of a crane/pettibone machine being operated by a fellow employee.

5. As a result of the said accident, the plaintiff was made sick, sore and lame and has suffered great pain of body, anguish of mind and will so continue to suffer for an indeterminate period of time in the future; that prior to said accident, the plaintiff was a strong, able-bodied man, capable of earning and actually earning the wages of a trackman as an employee of the defendant; that as a result of the said accident, the plaintiff has been incapacitated and prevented from engaging in his employment and that the plaintiff will continue to be so incapacitated in the future; that the plaintiff has been and for some time in the future will be caused to incur expenses for doctors' and hospital services and for medicine in caring for the said injuries.

COUNT II

1. The plaintiff is a resident of Gorham, New Hampshire, and brings this action against the defendant, St. Lawrence & Atlantic Railroad Company, a railroad corporation duly established by law and having a usual place of business in Auburn, Maine for injuries suffered by him while in the employ of the defendant, St. Lawrence & Atlantic Railroad Company. This action is brought by virtue of the provisions of the Federal Employers' Liability Act, 45 U.S.C.A., Section 51, et seq.

2. During all the times herein mentioned, the defendant was a common carrier, engaged in the business of interstate commerce, and, as such, operated a railroad in such business between Lewiston Junction, Maine and Island Pond, Vermont; and, at the time the plaintiff received the injuries complained of, both he and the defendant were engaged in interstate commerce, within the meaning of the said Federal Employers' Liability Act.

3. On or about October 29, 2009, the plaintiff was employed as a trackman by the defendant and was engaged in his duties on the railroad tracks in Gorham, New Hampshire, which tracks, rails, cranes and all other equipment and appliances appurtenant thereto were owned and/or operated and/or controlled and/or maintained by the defendant, and as a result of the failure of the defendant, its agents, servants or employees to use reasonable care to provide the plaintiff a safe place in which to work and to furnish him with safe and suitable tools, appliances and equipment, the plaintiff was injured.

4. The Plaintiff injured his neck, shoulder, back and arm when he was struck by the boom of a crane/pettibone machine being operated by a fellow employee.

5. As a result of the said accident, the plaintiff was made sick, sore and lame and has suffered great pain of body, anguish of mind and will so continue to suffer for an indeterminate period of time in the future; that prior to said accident, the plaintiff was a strong, able-bodied man, capable of earning and actually earning the wages of a trackman as an employee of the defendant; that as a result of the said accident, the plaintiff has been incapacitated and prevented from engaging in his employment and that the plaintiff will continue to be so incapacitated in the future; that the plaintiff has been and for some time in

the future will be caused to incur expenses for doctors' and hospital services and for medicine in caring for the said injuries.

WHEREFORE, the plaintiff demands judgment against the defendant in the sum of THREE MILLION (\$3,000,000) DOLLARS.

PLAINTIFF REQUESTS TRIAL BY JURY.

DOUGLAS THERIAULT
By his attorneys,

/s/ Christopher Seufert
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